



CNR: KAHC010195962026

NC: 2026:KHC:49564
MFA No. 2054 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2054 OF 2026

(MV-I)

BETWEEN:

SRI RAJIAH M N
S/O. NAGIAH
AGED ABOUT 54 YEARS
OLD R/O: MATTIGATTA VILLAGE
KADABA HOBLI, GUBBI TALUQ

PRESENTLY R/AT
MUSTANDRA VILLAGE, KASABA HOBLI
TUMKURU TALUQ - 577 101.

...APPELLANT

(BY SRI MALLIKARJUN B RYAKHA, ADVOCATE)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

AND:

1. SRI PUNEETH H K
S/O. KALLES
AGED ABOUT 48 YEARS
R/AT: IYYANAPALYA, GOLLARAHATTI
KIBBANAHALLI HOBLI
TIPTUR TALUQ.,
TUMKURU DISTRICT.
2. THE MANAGING DIRECTOR
TATA AIG GEN. INS. CO. LTD.,
REP. BY ITS GENERAL MANAGER



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MANJUNATH AND YALLAPPA B P
REGISTERED OFFICE AT EMPIRE HOTEL
2ND FLOOR, DEVI JAMBUKESHWARS ARCADE
No. 69, MILLERS ROAD
BENGALURU – 560 052.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 18.03.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:28.10.2025
PASSED IN MVC No.685/2022 ON THE FILE OF THE I
ADDITIONAL SENIOR CIVIL JUDGE, AND CJM, TUMAKURU,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR ADMISSION THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant/claimant seeking
enhancement of compensation awarded in judgment and
award dated 28.10.2025 passed in MVC No.685/2022 by
the I Additional Senior Judge and MACT-XI, Tumakuru.

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of



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learned counsel for appellant and learned counsel for respondent No.2.

3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 15.08.2020 contending that the accident occurred due to rash and negligent driving of the driver of Dost LS Goods vehicle bearing Regn.No.KA-41-C-2165. The Tribunal after recording evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Future loss of income	1,87,920.00
02.	Medical expenses	1,71,287.52
03.	Pain and suffering	20,000.00
04.	Attendant, extra diet and conveyance	10,000.00
	Total	3,89,207.52

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.2/insurer to deposit the award amount with



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interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2/insurer.

6. The date of accident is 15.08.2020 and as on the date of accident, the claimant was aged 58 years. The Tribunal has rightly taken the notional income of the claimant at Rs.14,500/-. The appellant/claimant is seeking enhancement only under the head 'pain and suffering', non-awarding of compensation under the heads 'loss of amenities' and 'loss of income during laid up period'. The claimant has sustained segmental fracture of right femur and fracture of right tibial condyle. Considering the said two fractures suffered by the claimant, compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.20,000/- is enhanced to Rs.60,000/-. The claimant is awarded Rs.40,000/- towards loss of amenities. Considering the injuries sustained, the claimant



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whose avocation was Mason, has to take rest atleast for a period of three months and therefore, loss of income during laid up period would be Rs.43,500/- (Rs.14,500 x 3 months).

7. Considering the above aspects, the claimant is entitled to enhanced compensation of Rs.1,23,500/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

8. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.1,23,500/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before



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the Tribunal within a period of six weeks from this day.

- iv) Appellant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 44
Ct.sm